

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID R. LIRA,

Defendant.

23 CR 54

Judge Mary M. Rowland

DEFENDANT'S MOTION TO DISMISS THE INDICTMENT FOR  
ERROR IN THE GRAND JURY PROCEEDINGS

Defendant, **David Lira**, by and through his attorneys, **Cheronis and Parente LLC**, pursuant to Rules 7 and 12 of the Federal Rules of Criminal Procedure, the Due Process Clause, Grand Jury, and Effective Assistance of Counsel provisions of the Fifth and Sixth Amendment to the Constitution of the United States, as well as the other authority cited herein, respectfully moves the Court to dismiss the indictment. The superseding indictment, and the presentation of it to the grand jury, supplanted the elements of the charged offenses—fraud, contempt, and perjury—with the California Rules of Professional Conduct (“Professional Rules”). It placed the ethical rules front and center, both in the text of the superseding indictment and throughout the grand jury presentation. The government’s decision to highlight and focus on this surplusage without adequately explaining the relevance (if any) of the Professional Rules created an obvious source of confusion as to the nature of the elements of the charged offenses, a serious risk of lessening those elements, and ultimately, constitutes such a significant source of prejudice that raises serious doubt over the grand jury’s decision to indict David Lira. As such, and for the reasons described more fully in the

memorandum of law filed contemporaneously herewith, all counts of the superseding indictment should be dismissed as to David Lira.

Respectfully Submitted,

/s/ Damon M. Cheronis  
Damon M. Cheronis

**Cheronis & Parente LLC**  
140 S. Dearborn Street Suite 404  
Chicago, IL 60603  
(312) 663-4644  
[damon@cheronislaw.com](mailto:damon@cheronislaw.com)

/s/ Ryan J. Levitt  
Ryan J. Levitt

**Benesch Friedlander Coplan & Aronoff LLP**  
71 South Wacker Drive Suite 1600  
Chicago, IL 60606  
(312) 517-9550  
[RLevitt@beneschlaw.com](mailto:RLevitt@beneschlaw.com)

**CERTIFICATE OF SERVICE**

I, Damon M. Cheronis, hereby certify that on April 22, 2025, I electronically filed the foregoing Defendant's Motion to Dismiss the Indictment for Error in the Grand Jury Proceedings with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Damon M. Cheronis  
Damon M. Cheronis  
Cheronis & Parente  
140 S. Dearborn Street Suite 404  
Chicago, Illinois 60603  
(312) 663-4644  
[damon@cheronislaw.com](mailto:damon@cheronislaw.com)